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New Jersey Public Interest Research Group

CLEAN WATER ACTION PROJECT

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Richard A. Flye, Chief
Water Enforcement Branch
Enforcement and Regional Counsel Division
Environmental Protection Agency-Region II
26 Federal Plaza
New York, N.Y. 10007

Dear Mr. Flye:

The following represent evaluations by the Clean Water Action Project of the N.J. Public Interest Research Group of Draft National Pollutant Discharge Elimination System Permits. Thirteen (13) companies are covered in this written testimony. Comments were due on the enclosed on April 8, 1974. I am very sorry for the delay but we are very overburdened and understaffed just like EPA is and we are presently clearing out a large backlog. Things will get better.

Sincerely,

Richard Willinger
Richard Willinger

ASB 001 1001 F

The permit application lists the Net amount of BOD₅ as zero (0), not 75 lbs/day as listed in the Draft Permit. Daily Maximum should be reduced by a factor of ten. Temperature limitations should be imposed, even if they reflect the non-harmful present discharge, because the main pollutant load of the effluent is thermal. All cooling water discharges should be restricted by thermal limits plus zinc and chromium if any corrosion or scale-inhibiting substances are added to the water. It should be noted that Maximum Flow is twice as high as Average Flow.

Otis Elevator Co., Harrison

2SD OXW 2 000682

Due to the presence of heavy metal pollutants, samples should be taken every month, not every two months. The minimum pH limit should be set at 7.0 - 9.0. Average limits should be placed on temperature to maintain consistency with other limitations and the possibility, even if remote at this time, of usefulness at a later date. It should be noted that Maximum Flow is 100% greater than Avg. Flow. Why is there a discrepancy between the permit application listing of .099 MGD as the surface water discharge and the Public Notice listing of .083 MGD?

The present discharge of Nickel-Total and Copper-Total are reported at concentrations of .2 mg/l and .05 mg/l respectively in the permit application instead of the values specified in the Draft Permit which are five and four times higher respectively. The P.S.T. lists BPCTCA for TSS as 10 mg/l, yet the Draft Permit sets an Average limit of 14 mg/l. This should be changed. I agree with the purpose of Section 9.d. to prohibit the addition of toxic pollutants, but its wording refers to the Net amount when the Gross amount is being regulated in this NPDES permit. Why not just say, "No toxic pollutants shall be added." Otherwise, can a positive assurance be given that the intake water will contain no toxic pollutants?

Houdaille Construction Materials, Inc., Morristown

2SD OXW 2 000666

TSS should be limited in the Draft Permit to reflect BPCTCA of 30 mg/l for Daily Average and 45 mg/l for Daily Maximum (listed in Part III - NOTES). This would set a Daily Average limit of 2.5 lbs/day and a Daily Max. of 3.75 lbs/day. The pH range should also be changed to 7.5 - 8.0. I have only encountered levels of Radioactivity in an effluent discharge from mining activities on two occasions, and this is one of them. Since no effluent limit was placed on it, I assume it is within acceptable EPA and AEC standards.

Many Daily Average Concentrations of Parameters are within acceptable EPCTCA limits, yet Maximum Concentrations are unbelievably higher than Averages, for example: Alkalinity - 10 times, COD - 7 times, Total Solids - 20 times, TDS - 18 times, TSS - 800 times, Total Volatile Solids - 800 times, and Ammonia - 30 times. The Maximum Pounds per Day also don't agree with the Maximum Concentration in the application. This has been reflected in the Draft Permit for TSS whose Daily Maximum Limitation is 36 times higher than the Daily Average. Effluent Guidelines recommend only a 1.5 - 3.0 increase in Maximum over Average limits. Also, phenols are being discharged at a concentration of .1 mg/l while the Delaware River doesn't allow an input over .02 mg/l of the parameter. It should be limited.

I believe the Compliance Schedule allows too much time for the simple installation of a pH regulator and tank to hold the additive substance. These materials are readily available on the market and should take no longer than six months to install. In describing waste abatement, the permit application states, "Plant water is operated on a recycle system with current revisions being taken to render this a closed system." Has EPA tried to engage the company in a Compliance Schedule with a resultant 'no discharge' by 1977? What date does the company have in mind?

The waste abatement continues as follows: "After recycle effluent is discharged to a series of lagoons from where it overflows to a marsh area. The overflow from the marsh discharges by gravity along with storm water run-off into the receiving stream." This presents a problem. I object to the use of any marsh as a sedimentation and organic-reduction basin, but in this case the marsh is located on the company's property. I know that a company can discharge anything it wants into a pond on its property. But a marsh cannot be man-made and must have been in existence when the company acquired the property. Do they have the right to destroy it while they own it? Proposed Effluent Guidelines for the Asbestos Industry mention that sludge deposits can be formed and aquatic life possibly harmed from suspended asbestos waste in the receiving water.

National Oil Recovery Corp., Bayonne

2SD OXW 2 000901

Issuing a permit to this company would establish a bad precedent of not requiring the participation of the applicant in the initial stage of the permit program. The company submitted a woefully inadequate application consisting of one page (1 of 5). EPA then sent a letter on September 21, 1973 to the company requesting additional information which still has not been answered. The letter requested the following necessary information:

- "1. When will the air cooled condensers and coolers be installed?
2. The effluent discharge temp. was reported as 300°F. Please recheck.
3. Please complete Section II and Part 3 of the discharge description."

The Enforcement Division should notify the company of its requirements to submit adequate information or face penalties. Without this, EPA is lacking the data on whether the company can meet more stringent limits than EPCTCA or whether they will have to be put on a Compliance Schedule. Also, once the permit is issued, limitations can be imposed administratively away from public scrutiny. I suggest that the company be written a second letter and the Draft Permit be re-noticed once the needed information is received.

Daily Maximum Discharge Limitations should be set on TSS (170 lbs/day) and BOD₅ (23 lbs/day) in the Initial Limitations. I wish to point out that the company noticeably increases the thermal load of its effluent - a 39°F Maximum increase in winter and a 35°F Maximum increase in summer over the Intake water temperature.

I believe an error has been made in the Daily Maximum Required Effluent Limitations. The P.S.T. sets BPCTCA limits for the 'process' cooling waters (30 mg/l) and specifies no net increase over the intake concentrations (for TSS and BOD₅). But the Draft Permit lists Daily Maximum limits as twice as high as Avg. limits which includes both. This, in effect, allows the non-contact cooling water to increase its concentration by 100% also, when it should be limited to the 'process' cooling water. A doubling of the concentration of the 'process' waters would add 4.3 lbs/day (round it off to 5) to the Average limits of BOD₅ and TSS and would result in Daily Maximum limits of 56 lbs/day for TSS and 11 lbs/day for BOD₅.

Erie Lackawanna Railway Company, Jersey City

2SD OXN 2 000450

This discharge consists of sanitary waste so why wasn't the STP Draft Permit form used instead of the industrial Draft Permit? Maximum winter and summer temperatures should be listed in Initial Limitations. It is also reported that values for several parameters were not reported, including Oil & Grease. This is incorrect. The permit application reported a Daily Avg. Concentration of 1.4 mg/l for oil & grease. This should be listed as the Average Limitation for Initial and Required Effluent Limitations. The same should hold true for oil & grease lbs/day. In the Required Limits '7-day Maximum' should be changed to '7-day Average' except for Fecal Coliform which should just be listed under 'Maximum.' Issuance of the permit should await the receipt of data requested by EPA on 10/9/73 for the parameters of BOD, COD, TSS, and Fecal Coliform so that Initial Effluent Limits can be set.

Regina Corporation, Rahway

2SD OXN 2 000528

The Daily Maximum Initial Effluent Limitations in lbs/day reflect the current discharge as listed in the permit application, yet the Daily Maximum concentration limits reflect a BPCTCA value which is much higher than present concentrations. This causes none of the lbs/day to correctly correspond to the mg/l in the Daily Max. columns. To reflect the application the following limits should be imposed: Al-Total - .6 mg/l, Cr-Total - .06 mg/l, Cu-Total - .05 mg/l, Pb - .05 mg/l, Ni - .12 mg/l, and Zn - .14 mg/l. TSS and Cyanide-oxidizable should be '0'. Summer and winter temperature should be 46°F and 60°F Daily Avg. respectively. Chlorinated Hydrocarbons should have an "*" saying, "none shall be added." It should be specified for the process water to be sampled before mixing with the cooling water. In the Required Limitations, the numbers for Oil and Grease and Al-Total were placed in the wrong column - they should be in the Daily Max. column. And, Phenols should be reduced from .6 mg/l to .02 mg/l as reflected in DREC WQS.

The applicant has on file a permit issued by the N.J. State Department of Health (now the NJDEP) concerning its effluent discharge. Permit No. 777 states:

"Under the provisions of R.S. 58:10-17 to 21 incl., subject to the conditions stated below, permission is hereby granted on this 10th day of December 1969 by the State Department of Health of the State of New Jersey to Orange Products, Inc. to locate or establish a factory, workshop or place for the manufacture of materials or goods at Florham Park Borough, Morris County, New Jersey on the watershed of the Passaic River. ...

4. No raw material, chemical, product, by-product, industrial or sanitary waste, nor any spill or breakage of any of these substances shall be placed in, or discharged into the Passaic River or tributaries thereof, nor shall any of these substances or spill or breakage of these substances be placed on the surface of the ground, in storm water sewers or other natural or artificial drains leading to, or discharging into, the Passaic River."

I interpret this to mean that the company is prohibited from discharging any thing into the receiving waterway. Will EPA adhere to this permit and require the company to go to 'no discharge' instead of RCPTCA by 1977? Or doesn't this have the force of a NJDEP Abatement Order or a DRBC Resolution? Several other pollutant parameters are involved in this cooling water effluent in addition to heat.

We run into the problem again where EPA has requested additional data on the discharge from the company which hasn't responded yet, so EPA is going ahead anyway and issuing the permit. In a 11/7/73 letter to the company, EPA requested data on: Section II, Part A - Flow, pH, Winter & Summer Temp., and TSS. Section II, Part B - TCC, Chromium-Total, Oil & Grease, and Phenols. EPA should have the data before issuing the final permit because the company may be meeting standards more stringent than RCPTCA already and once a permit has been issued it closes the opportunity for public participation.

I suggest holding up the permit until the data is received. If my suggestion isn't followed, then certain changes should be made in the present Draft Permit. An Initial Effluent Limit - Daily Average, can be set for Chromium-Total and Chlorinated Hydrocarbons at .07 and .01 lbs/day respectively as reported in the permit application.

There are other problems. No temperature, flow, or pH values were listed in the permit application. For the Required Effluent Discharge, an Average Temperature and concentration for Oil and Grease (at 10 mg/l) should be set. Shouldn't TSS be limited? Chlorinated Hydrocarbons should be added with an asterisk (*). The sentence below - "None within detectable limits over intake value." should be changed to just - "None within detectable limits." The permit is intended to limit the Gross amount of pollution, not only the Net.

The discharge is actually into a drainage ditch which flows into a pond and then into a ditch leading to the Passaic River. Sampling should take place where the second drainage ditch leaves the company's property. The receiving waterway on the front page of the Draft Permit should be changed to read, "to a drainage ditch which flows to the Passaic River."

ASB 001 1005

The receiving waterway on the first page of the Draft Permit should be altered to read, "to Weehawken Cove of the Hudson River" in order to provide a more exact location of the receiving water. Due to the fact that the effluent is entering a partially enclosed cove, the allowable temperature limits are much too high! An Average of 115°F should be looked at more closely to determine whether harm to the aquatic biota is, has, or will occur. The pH should be reduced to 6.5 - 7.5 to reflect the permit application.

The P.S.T. states that the company states "that the discharge 002 consists of uncontaminated cooling water and that no chemicals are added." Then why the Average and Maximum Effluent Limits in ug/l in the Draft Permit? And what are they based on? Instead, Chromium, Zinc, and Phenols should be followed by an asterisk (*) which says "None within detectable limits."

Swift Dairy and Poultry Co., Woodbridge

2SD OXI 2 000788

Daily Maximum Discharge Limits for Zinc should be changed to .3 lbs/day to reflect the permit application and it should be sampled monthly. The upper limit of pH should be set at 7.0. The permit application mentions that "condensing and cooling tower water is treated for algal, corrosion prevention and scale prevention." What is added to the feed? EPA should consider limiting Chromium and Algicides in the Draft Permit to control the present or 'potential' addition of chemicals.

Ethyl Development Corp., Imco Container Company Division, Belvidere 2SD OXI 3 000691

The receiving waterway on the first page of the Draft Permit should be altered to read "Pohandusing River via a storm sewer." Daily Maximum Limits of 62°F should be set on Summer and Winter Temperature to reflect the permit application and give EPA an enforceable number. In order to meet EPCTCA of 30 mg/l, TSS must be limited to a Daily Average Limit of 25 lbs/day and a Daily Maximum Limit of 50 lbs/day. pH should be limited to 7.5 - 8.5. All parameters should be sampled monthly because the discharge is 100,000 gallons per day. The sampling location of the effluent discharge should be specified as at the entrance to the storm sewer.

All Purposes Roll Leaf Corporation, Paramus

2SD OXI 2 000767

Daily Average limits should be set for Winter and Summer Temperature at the summer number as the Daily Maximum limits as reported in the permit application. The limit for pH should closely adhere to 7.5. CCD is presently discharging at 53 mg/l, above what is its normal EPCTCA of 30 mg/l. Nitrate is also fairly high at 7.64 mg/l (or 14.9 lbs/day). They should both be considered for inclusion in the Draft Permit for limitation. "No detectable limit" should be the limitation applied to Chromium and Zinc instead of a numerical limit which will allow them to add those chemicals when they're not doing it now.